

Electronic Filing

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/802,520 Confirmation No. : 3981
Applicant : Eric Leopold et al.
Filing Date : March 16, 2004
Title : RELOADABLE SHEATH FOR CATHETER SYSTEM
FOR DEPLOYING VASOOCCLUSIVE DEVICES
Art Unit : 3773
Examiner : Melissa K. Ryckman
Docket No. : MICRU-68082
Customer No. : 24201

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING

REJECTION UNDER 37 C.F.R. 1.321

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, MICRUS CORPORATION, a Delaware corporation, Assignee, having a place of business at 821 Fox Lane, San Jose, CA 95131, is the assignee and owner of 100 percent interest in the instant application, Application No. 10/802,520, which is a divisional of Application No. 09/990,759 filed November 9, 2001, as recorded at Reel 012579, Frame 0616, in connection with Application No. 09/990,759. The assignment document has been reviewed, and petitioner hereby certifies that, to the best of

petitioner's knowledge and belief, title in the instant application, Application No. 10/802,520, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 1.54 to 156 and 173, as presently shortened by any terminal disclaimer, of commonly owned prior U.S. Patent No. 6,716,223, which is also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior U.S. Patent No. 6,716,223 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the U.S. Patent No. 6,716,223, as presently shortened by any terminal disclaimer, in the event that prior U.S. Patent No. 6,716,223 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

FULWIDER PATTON LLP

Date: September 25, 2009

By : /james w. paul/
James W. Paul
Reg. No. 29,967

JWP/ayc/jb

6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696